

**Karner Blue Butterfly HCP**  
**IOC Meeting**  
April 14, 2004  
9:00 - 2:30 p.m.  
Schmeeckle Reserve - UW Stevens Point

**MINUTES**

Present: Gary Birch, Dave Lentz, Jim Zahasky, Rob Kudick

**Anti-Trust Announcement**

**1. Agenda repair**

Dave added four agenda items:

- Mentoring w/in entity groups
- Weaver/Boos Utility Corridor Guideline
- Recruiting IOC representatives for those whose terms will expire
- Loss of experience and institutional knowledge of HCP development and vision

**2. Approve IOC minutes 2-17-2004**

Minutes were not approved because a quorum was not present.

**3. Review ACTION ITEMS from 2-17-2004 IOC meetings**

Items were complete and required no discussion.

**4. HCP 6-month Review Meeting 4/13/04**

Update on yesterday's meeting with FWS

Dave handed out a draft of minutes from 6-mo Review Meeting. He discussed the agenda items with IOC members.

**Agenda item #1: Review of Voluntary Participation Plan in HCP - Proactive Voluntary Category**

In light of Sand County Foundation's concerns, there is a need to clarify landowners covered, and discuss regulatory options to secure long term assurances for this land owner group. Meeting attendees worked to create process steps and deadlines for drafting an amendment to HCP which will include a simplified Safe Harbor type agreement for voluntary conservation participants which will include perpetual take for areas where habitat was enhanced or created. Documentation will be required and administered by NPOs/conservation organizations who assist landowners with restoration/preservation work such as Sand County Foundation.

Process steps outlined below:

<u>Responsible</u>	<u>Step</u>	<u>Due Date</u>
Cathy:	Process Outline	April 23
Jimmy & Dave	Draft HCP Amendment	May 7
Dave	Partner (IOC) Review	By June 7
All	Comments from 6-mo. attendees	By June 7
FWS	NEPA Solicitor Review ????	
Jimmy & Dave	Final Draft HCP Amendment	June 7
Cathy	Amend B/O (FWS sign off)	June 22

Jim Zahasky asked why this is of interest to partners if only voluntary participants are involved. Dave explained that support of the IOC (partners) is necessary because this will be an amendment made to the HCP. It will be a large step in removing the inherent fear private landowners have of being regulated. Partners in fact participate in the voluntary strategy through outreach and education. It would also be a "feather in our cap" for the HCP - great timing and would certainly be an incentive for landowners to contribute to the efforts of partners.

Rob Kudik suggested that even if we have an amendment, the HCP could receive bad press if someone decides to change their land down the road (take). Without safe harbor, what kind of assurance do landowners have in regards to state listed species or species which might be listed in the future? Dave noted that that is a valid question and an issue that will need to be brought up with the service.

### **Agenda Item #13: ATC Lands Included Issued**

ATC took over some land from other utility partners, but those transfers were not well represented until Matt Krumenauer (ATC) supplied maps showing these land transfers. To better track lands included, Cathy Carnes asked if individual partners who transferred lands supply updated maps to attach amend their SHCA appendix A's. Could partners themselves supply sum total of "lands included" instead of Scott Bernstein (data manager) totaling each year?

Action Dave: Discuss with IOC on 4/14/04.

IOC members suggested that this would not be too difficult to do. Jim Zahasky brought up the fact that this will not show how much potential habitat, only how many acres of land covered under HCP.

Dave reiterated the need to further develop DNR's HCP Lands database to help keep track of how much TRUE potential habitat is included in the HCP, not just how much partner-owned land.

**ACTION DAVE:** Send out a letter to partners and ask them for updated lands included data. Build this into the annual report.

### **Agenda item #2: CC/UC amendment: final approval so DNR can issue the official amendment. Cathy would like additional discussion related to gypsy moth amendment.**

Cathy agreed to changes in Changed Circumstances reporting from 90 days to time of annual report, with minor adjustments in language of the "Assessment and Management Adjustments" required. If impact/findings are not determined at time of annual report, the event will still need to be documented on annual report w/ newly created CC reporting form. Audit process will assure that findings of impact and changes in management related to CC will be reported when discovered.

In regard to GM Infestation amendment, it was determined that the language in the HCP should remain the same, but the Changed Circumstance title will be changed from GM Infestation to GM Management.

Dave asked for comments from the IOC members present. Both Gary and Rob mentioned that the language and guidelines are becoming incredibly complex. The issue seems to be too complicated and involved for such a minute part of the HCP. There was some discussion as to the availability of Gypchek to partners, and because Gypchek is only available through FS, minimization of impacts is pretty much not available to partners without participating in FS program.

**ACTION DAVE:** Dave will contact Cathy, Darrell and Jimmy to further discuss the GM issue as per concerns of the IOC.

### **Agenda item #3: Clarifications vs. Minor Amendments**

Finalize document reviewed at 11-6-03 meeting. Application example:

- Does taking of non-lupine nectaring areas outside of flight season constitute incidental take?
- Permanent Take of nectar areas has application. (proposal attached)

Cathy and Dave have discussed this issue as it applies to new partner Onyx-Seven Mile Landfill. The determination thus far is that only PERMANENT take of nectar areas would require mitigation. Nectar areas would not be included in temporary/incidental take and would not require mitigation acres.

**Action:** Dave will send out additional information on this issue to IOC members.

#### **Agenda Item # 4: Streamlining progress report**

- a) Fast track approval process (We wanted to review progress on this.)

*Dave suggested that "fast track" approvals will be rare since the process allows the restarting of the 60-day clock whenever Cathy has a question. Questions seem to be in Cathy's nature. These aren't at all bad, we just need to focus on the important issues and make quicker decisions where the risk is low or the benefit is low. Invest more where it is more important.*

- b) Ltd. Partner Inclusion process (DNR has made some process improvements)

- New application form
- New SHCA & appendices
- Ltd. Partner Orientation packet
- Abridged Annual Report form for Ltd's - AR-EZ

*Streamlining the inclusion process is going well - have made the Ltd. Partner Inclusion process simpler.*

- c) Improvements that would streamline or eliminate waiting for pre-approvals:

- Mitigation guideline for road ROW
- ROW guideline revisions for brushing, mechanical management, knife trenching, other trenching
- Prescribed burning protocol - increased flexibility

*Decisions on management/guidelines need to be streamlined as well. Too much back and forth; a long time to a decision. If not critical, make decision; try it; monitor if necessary to get more data.*

- d) Full partner application process. How is it working?

*We have a number of full partner candidates filling out applications. We can assess if the improved process works better.*

Rob asked how many full partner applications are waiting on CIs. Dave explained that Onyx is the only full partner that is waiting on approval. There are three additional electric co-ops that are interested in becoming full partners but are in the early stages of applying. Additionally, there are three candidates interested in becoming limited partners.

#### **Agenda Item # 5: Monitoring System Improvements**

Dave introduced the new monitoring system improvements to meeting attendees. Dave noted that the amount of effectiveness monitoring would likely decrease this year as our focus shifts to determining the efficacy of our management activities. This will increase as partners identify upcoming activities in the study category. For this year, Dave is encouraging partners to invest in lupine/KBB inventory to find Karner populations and accomplish their pre-/post-mgt. survey work. Dave noted that Cathy and Janet were very positive about changes taking place.

#### **Agenda Item #6: Gypsy moth control/KBB conflict: Not enough gypchek by 2005.**

Discuss issues and consider steps to avoid a fire drill in spring 2005.

- 1) Darrell: Set up meeting w/FS, FWS, DATCP and DNR to discuss gypchek issue.
- 2) Develop a screening tool including GIS layers. Involve David Moladenov. Megan may be a helpful liaison. Scott Bernstein should be involved.
- 3) Develop a risk assessment tool using KBB importance priority list (Dave supplied to Andrea).

**ACTION DAVE:** Send Darrell and Jimmy the risk priority list.

Dave noted that priorities for Gypchek requirements would include SPAs, ACEs, known Karner sites (w/buffers), etc. We need to reserve the available Gypchek supplies for known karner areas, not just possible habitat sites. A screening mechanism and priority list will be developed.

#### **Agenda Item #7: Recovery implementation plans: ITP Condition M**

- Recovery implementation plans will be provided to the FWS for Meadow Valley, Sandhill, and Crex/Fish Lake by May 1, 2005.
- KBB population survey for Recovery at GLG

There was discussion on what is involved in creating a recovery implementation plan - would it even be possible to by May 1, 2005 for these properties?

Cathy responded that it is an outline of what is necessary to create a long-term viable population at the property. At places like Crex, the first step is population surveys. Darrel asked about funding for recovery properties to complete this monitoring and creation of a recovery implementation plan.

There was a discussion of budget concerns/lack of funding and ways for FWS to assist with funding of survey work.

Dave noted that one objective of the HCP is to assure populations continue while recovery takes place. Recovery goals are very likely met in Wisconsin. The sooner Wisconsin recovery properties can prove their KBB populations are at or above recovery goals, the sooner they can reduce recovery monitoring effort. FWS and DNR are meeting in May to discuss issues related to the Service's 18 month time period in which they committed to give consideration the DNR's concerns about the final recovery plan. Dave commented that even though most partners are not directly involved in KBB recovery, the significance for them is that the lack of funding to do recovery monitoring, implementation planning, as well as the time for the Service and recovery team to reconsider DNR's concerns, all result in delaying recovery. This adds to the length of time partners will need to implement the HCP. This is all the more reason we need to streamline and simplify the HCP.

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Dave noted that many of the agenda items for the 6-mo. Meeting were not discussed. Entire morning session was spent discussing agenda item #1. He briefly discussed some of those items.

- Plum Creek CI: Plum Creek is re-writing their SHCA. An updated version will simplify their agreement and it will incorporate questions from FWS.
- We Energies would like to develop an umbrella conservation agreement to include the current partner, WI Gas Co. and two other sister companies. This has not been worked on.
- Town of Swiss: Part of their SCHCA includes a mitigation requirement for a permanent take that could be used to model a standard mitigation protocol for limited partners in the future.
- Washburn Co. Forest has requested a pre-mgt. survey exemption for some townships on the marginal edge of the range. They have not found lupine in these townships in several years of surveying. In line with the need to streamline and focus on what is important, Dave is forwarding this request to the Service.
- Knife-trenching guideline: not a permanent take. This practice is being incorporated into the ROW guideline and should be added to the HCP.
- Town of Clearfield: members of town want to join HCP, but town chair is not interested. Karners have been found in the town by DNR and partner staff - FWS will be consulted on this issue. Gary Birch mentioned this evasive behavior and attitude will spread to their neighbors, and would directly affect the credibility of the HCP and perception of FWS enforcement.
- Utility/RR inclusion invitation is still on hold - currently not enough resources to invite...we will welcome interested parties but have delayed a plan for large-scale invitation.

There was a brief discussion at the 6-month meeting about plans for the Summer Field Trip. This will be a very exciting opportunity to showcase connectivity of karner sites and collaboration b/w partner/private landowners. The plan is that participants will be using GPS technology to follow three different routes (2 walking, 1 driving) and will showcase a broad spectrum of management activities and habitat, and GPS/GIS applications during and after the activity. Lunch and meeting will take place at Hartman Creek State Park. We are hoping to peak interest in using GPS technology in those partners not already using it.

## 5. Mowing/ROW guideline: review proposed changes. (20 min.)

Item needs more work and was not discussed.

#### **Agenda Items 6-9 added at beginning of meeting**

##### **6. Mentoring w/in entity groups**

Dave noted the need for training/mentoring for new partners and staff changes w/in current partners. Could we set up some kind of system for new partners/staff to get this training from an existing partner w/in the same entity group?

Jim Zahasky thinks that it would be a good thing for new partners, but training for new staff should be the partner's responsibility.

Dave noted that sometimes new staff are not in place until after previous HCP person is already gone. After some discussion, Dave realized that the biggest problem is with utility corridors. He knows of plenty of resources for new forestry partners.

Jim suggests using audits to ask partners if they are interested in being a mentor for new partners. Another suggestion is to also use audits to ask partners if there is a plan as to who will take over HCP responsibilities.

Rob suggests bringing this up to partners at summer/winter meetings to help them understand this issue and think about ideas for networking and monitoring. Jim suggested working this issue into audits - question each partner about their "contingency plan" for staff attrition.

**Action: Dave to add this to the training questions in the audit form.**

##### **7. Weaver-Boos Utility Corridor Guideline**

Utility partners have been using Weaver/Boos Guidelines for management, but there is not an electronic copy available. Must be determined if Weaver/Boos guidelines will apply for new utility partners or if an amendment to HCP needs to be drafted. If Weaver-Boos applies, there is a need to reproduce guideline electronically for future use. Also, is this document proprietary to partners who paid the consultant to produce the report? Is the property of the consultant?

Gary noted that this could cost a good amount of money to gain rights to this publication. We will have to answer the questions above. Dave suggested if rights needed to be purchased because the information can't be produced otherwise, that it would be possible to use some of the fees coming in from new partners.

**Action: Since corridors were not represented today, Dave will contact some of the original corridor HCP team members get answers to the questions above.**

##### **8. Recruiting IOC representatives for those whose terms will expire**

The IOC will not be meeting in June since the field trip will be taking place and will use more time than normal. Some of the IOC member's terms are expiring, and the August meeting will be when we will bring in the new members and say goodbye to the outgoing members.

**ACTION DAVE & GARY: talk to TNC, Utilities, DATCP, & DNR and determine who will be representing the entities on the IOC for the next term.**

##### **9. Loss of experience/ Institutional knowledge of HCP development and purpose**

Dave is concerned about direction of the IOC. Attendance is starting to decline at both IOC and HCP Team meetings. There were 6 or 7 partners with no representation at the winter meeting. Dave suggested IOC meetings be held quarterly instead of bi-monthly, dealing with smaller interim issues via e-mail. This should allow for increased participation by IOC members as well as advance notice of issues to consider for meetings. IOC members present agreed that this was a good idea.

Jim suggested using audits and application process to make sure new partners understand their responsibilities to participate. Dave noted that with increased retirements and people moving on to other jobs, the HCP team composition is quickly shifting towards folks that were not involved in the HCP development process. They may not fully understand the significance of this HCP. Dave is concerned that there may be a shift to less involvement and more partners simply doing what is required of them and little more. The original partner representatives sat at the development table every month for 5 years. Because of this investment, they have always felt they needed to give more for the HCP to be a success. He noted that it

is "easy to be marginal, more difficult to be great" and we need to encourage participation. Hopefully the summer field trip will help with this and showcase cooperation b/w partners.

Meanwhile, we need IOC leadership to help encourage this participation. Moving to quarterly meetings might help to increase participation. Jim Zahasky asked about requirements for attendance/alternates at IOC meetings. Dave reviewed what the HCP says and stressed that some partner entities may simply too busy to participate in bi-monthly meetings. This is actually a matter of priorities. Jim suggests a meeting reminder a week before meetings. Gary suggests this could be duty of IOC chair to sent out notice, determine who will be attending for each partner group, and ask for additional agenda items. Dave noted that forewarning of attendance can also affect meeting location (i.e. if all who are attending are from Madison, meeting in Stevens Point would not make sense).

**ACTION IOC: Implement new quarterly meeting schedule beginning with August meeting.**

#### **10. Closing (5min.)**

- **Summarize key points, action items**
- **Set next meeting time and location**  
Schmeekle Reserve, August 11, 2004
- **Evaluate this meeting**